

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SANDRA DETAMORE, an individual,

Plaintiff,

v.

ZAVOR AMERICA, INC., a/k/a FECNA
AMERICA, INC., f/k/a FAGOR AMERICA,
INC., a New Jersey Corporation,

Defendant.

Civil No.: 21-cv-2157 (KSH) (CLW)

ORDER

THIS MATTER having come before the Court on the motion (D.E. 9) filed by plaintiff Sandra Detamore (“Detamore”) for entry of default judgment against defendant Zavor America, Inc., a/k/a Fecna America, Inc., f/k/a Fagor America, Inc. (“Zavor”) pursuant to Fed. R. Civ. P. 55(b)(2); and

The Court having ordered (D.E. 10) Detamore to show cause in writing by no later than May 5, 2022 why her motion for default judgment (D.E. 9) should not be denied for improper service of process, and having warned that it would deny the motion “in the absence of a timely filed submission”; and

Detamore having failed to respond to the Court’s order, and instead having filed a motion for leave to amend the complaint (D.E. 11) on May 6, 2022 in which she conceded that service “was attempted on [Zavor] on March 10, 2021 but was unsuccessful” (D.E. 11 at ¶ 1); and

In consideration of Detamore’s failure to satisfy her burden of proving proper service, the Court concluding that default judgment cannot be entered, *see One Toshiba Color Television, 213 F.3d 147, 156 (3d Cir. 2000)* (“[T]he entry of a default judgment without proper service of a complaint renders that judgment void.”); *see also Khater v. Puzino Dairy, Inc., 2015 WL*

4773125, at *1, 3 (D.N.J. Aug. 12, 2015) (Arleo, J.) (denying motion for default judgment where plaintiff failed to satisfy burden of proving sufficient service, which is a “threshold issue”),

IT IS on this 9th day of May, 2022,

ORDERED that the motion for default judgment (D.E. 9) is **DENIED**.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.